

PLANNING COMMISSION MINUTES

JULY 5, 2007

CASE NO. 9-60-06VW

(CONTINUED FROM JUNE 7, 2007 PUBLIC HEARING)

Change in zoning from R-1 Single-Family Residential to C-2 Commercial on property located at 1401 Cardinal Drive, a variance to reduce the building setback on Belmar Drive from 10-feet to 5-feet, and waivers to reduce perimeter landscaping on the north property line and along Cardinal Drive, containing 0.3 acres total and being in Louisville Metro.

Owners: Phillip L & Stella Kavanaugh
1506 Cardinal Drive
Louisville, KY 40213

Applicant: Kavanaugh's Paint & Body Company, Inc.
1376 Belmar Drive
Louisville, KY 40213

Attorney: William Bardenwerper/Cliff Ashburner
Bardenwerper Talbott & Roberts PLLC
8311 Shelbyville Road
Louisville, KY 40222

Engineer/Designer: Marv Blomquist
Blomquist Design Group, LLC
10529 Timberwood Circle, Suite D
Louisville, KY 40223

Existing Uses: Vacant building
Proposed Use: Office-showroom/warehouse
Council District: 10—Jim King

Staff Case Manager: Stephen Lutz, AICP

Notice of this public hearing appeared in The Courier Journal, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

PLANNING COMMISSION MINUTES

JULY 5, 2007

CASE NO. 9-60-06VW

The following spoke in favor of this request:

Cliff Ashburner, Bardenwerper Talbott & Roberts PLLC, 8311 Shelbyville Road,
Louisville, KY 40222

The following spoke in opposition:

Barbara Sharp, 1518 Cardinal Drive, Louisville, KY 40213

Judy Greer, 1522 Cardinal Drive, Louisville, KY 40213

The following spoke neither for nor against:

No one spoke.

Agency Personnel:

Stephen Lutz, Planning Supervisor
Paula Wahl, Transportation Planning

AGENCY TESTIMONY:

2:06:22 Stephen Lutz presented the case and showed a Power Point presentation with maps and photos of the site and the surrounding area. He also distributed new renderings received from the applicant. He said the Planning Commission had continued this case to this date in order to allow for the applicant to meet with staff to work through holistic design issues and to come back with more detail concerning landscaping along Cardinal Drive and buffering for the site. He said the applicant met with staff to prepare an updated design to meet this request. This design incorporates most of the ideas discussed at the previous meeting, concerning a "front" to the building, and adding additional architectural features to ensure compatibility with the neighborhood (see staff report for a verbatim presentation.)

Mr. Lutz also said the applicant has requested a fee-in-lieu for the sidewalk originally proposed along Cardinal Drive. Commissioner Ernst asked why a sidewalk waiver was not included. Mr. Lutz said the applicant added that in at the last minute. She asked if a sidewalk waiver had been included with the APO notice. Mr. Lutz said no, that staff had not received an application form for it.

2:10:10 Paula Wahl, Engineer Supervisor with Transportation Planning, said a waiver request is not required for a fee-in-lieu. She said the landscaping and buffering were more important than the sidewalk.

SUMMARY OF TESTIMONY OF PROPONENTS:

2:12:40 Cliff Ashburner, the applicant's representative, presented the applicant's justification for their decision to request a fee-in-lieu for the sidewalk.

PLANNING COMMISSION MINUTES

JULY 5, 2007

CASE NO. 9-60-06VW

He explained how the designs have changed since the last hearing, and what changes have been made to the plans regarding sidewalks, landscaping, and a brick wall. He discussed which trees could possibly be saved, using the plan to point out specifics. He said the two-story section has been moved from Cardinal Drive to the corner of Belmar and Cardinal. He discussed some details of the changed renderings. He discussed signage along Belmar.

2:19:00 Commissioner Storm and Mr. Ashburner discussed what portions of the sidewalk could, or could not, count toward the fee-in-lieu for the entire length of Cardinal Drive. Commissioner Ernst asked if the sidewalk could be extended to Belmar, even if a tree has to be removed. Mr. Ashburner said his client would pay the fee-in-lieu.

2:21:30 Mr. Lutz resumed the podium and clarified that the sidewalk along the building does not count as a public sidewalk; therefore, a fee-in-lieu would be for the entire frontage. The waiver request was filed on June 28, 2007. In response to a question from Commissioner Howard, Mr. Lutz discussed how the landscape waiver and variance requests would be affected by this. Mr. Ashburner also pointed out some details on the site plan regarding the waiver request.

SUMMARY OF TESTIMONY OF OPPONENTS:

2:25:59 Judy Greer, a Cardinal Drive resident, asked if it was possible for this building to be given a Belmar Drive address; this way, Cardinal Drive could maintain its 100% residential properties. Mr. Lutz said it depends on which way the building faces. He said the building as proposed appears to face Belmar, so this may be possible. Mr. Ashburner said the applicant has no objection to that. Ms. Greer also pointed out that the staff report lists the existing building as "vacant", but she says this is not so. She said there is a family with children living there.

2:35:55 Barbara Sharp, a Cardinal drive resident, spoke after Mr. Ashburner had finished with the rebuttal. She is concerned that a family with four small children lives nearby, and the increased traffic could be a hazard.

SUMMARY OF TESTIMONY OF THOSE NEITHER FOR NOR AGAINST:

No one spoke.

REBUTTAL:

2:29:59 Mr. Ashburner said the building is currently occupied but will be vacated soon. He also said the applicant withdraws their sidewalk waiver request and will pay the fee-in-lieu.

PLANNING COMMISSION MINUTES

JULY 5, 2007

CASE NO. 9-60-06VW

2:32:57 Commissioner Hamilton asked if some enhanced landscaping could be done along Cardinal Drive. Mr. Ashburner discussed what the applicant could or could not do, due to drainage concerns.

2:34:20 Commissioner Howard asked if the building could not be made smaller. Mr. Ashburner said no, in order for it to “function internally” it had to remain at the current size.

An audio/visual recording of the Planning Commission hearing related to this case is available in the Planning and Design Services offices. Please contact the Customer Service staff to view the recording or to obtain a copy. The recording of this hearing will be found on the CD of the July 5, 2007 proceedings.

In a business session subsequent to the public hearing on this request, the Commission took the following action.

Rezoning

On a motion by Commissioner Queenan, the following resolution was adopted:

WHEREAS, based on testimony and evidence submitted with the application, in the Staff Report and to the Planning Commission at various meetings, including LD&T Committee meetings and the public hearing, the Commission finds that the applicant proposes a change in zoning from R-1 to C-2 to accommodate an expansion of his existing autobody shop facility with a new, more modern estimating and minor repair center; and

WHEREAS, the Commission further finds that the application complies with the intent and policies of Guideline 1 of the Cornerstone 2020 Comprehensive Plan because the subject property is located within the Neighborhood Form District and is surrounded by a variety of land use intensities, including the Audubon Country Club, the existing Kavanaugh facility and several other commercial uses; because the site lies at the corner of Belmar Drive and Cardinal Drive and is adjoined on the west by a C-2 commercial property, on the south side by M-2 properties, on the east by C-1 properties and on the north by the Audubon Country Club, including the club’s 8 foot privacy fence; because the subject property lies in an area north of an existing rail line and in a mix of residences, commercial and industrial uses; because Belmar Drive is an activity corridor

PLANNING COMMISSION MINUTES

JULY 5, 2007

CASE NO. 9-60-06VW

between Preston Highway and Poplar Level Road, with various commercial land uses along it; because, while the site is part of the Neighborhood Form District, it is still part of the activity corridor along Belmar Drive; because this proposal is to replace an existing house in disrepair with a new masonry structure, facing Belmar, which structure will house some office space, a waiting area, minor repair areas, and estimating space; because parking is located toward the north side of the property, as are the main building entrance and the car bay doors; because traffic will enter the site from Cardinal Drive, drive into the building or park, and then either exit from inside the building onto Belmar or from the parking lot onto Cardinal Drive; because landscaping (as possible) will be provided along the Belmar and Cardinal frontage and along the golf course including a low wall along Cardinal Drive adjacent to the parking area; because the applicant will provide sidewalks along Cardinal where none exist; and because the Audubon Country Club has already built an 8 foot privacy fence along the common property line between the two uses; and

WHEREAS, the Commission further finds that the application complies with the overall intent and specifically with Policies 1, 2, 3, 4, 5, 7, 8, 11, 12, 14, 15 and 16 of Guideline 2 of the Cornerstone 2020 Comprehensive Plan for all the reasons listed above and because the site will allow the applicant to provide space for customers to wait for estimates or minor repairs to be performed, along with providing some new office space to the business; because activities at this facility will be screened from the less intense land uses adjoining the north and east, mainly because all of the activity will take place inside the proposed building; because the proposed facility will augment a well-established business at this corner location, and this proposal will improve the area by allowing for an existing neighborhood business to reinvest in the area; and because the proposal will use an existing property where infrastructure already exists with connections to utilities, reducing the overall public costs for infrastructure; and

WHEREAS, the Commission further finds that the application complies with the overall intent and specifically with Policies 1, 2, 4-9, 12, 17, 21, 22, 23, 24 and 28 of Guideline 3 of the Cornerstone 2020 Comprehensive Plan for all the reasons listed above and because the proposed facility will be compatible with the mixture of uses in this corridor because of its already established use and because its new design, location and internal design will provide additional screening of activities from adjoining property owners; because, as noted above, the building is oriented toward Belmar Drive, with parking and entrances to the building and to the site from Cardinal also located on the north end; because landscaping will be installed along the golf course, where possible along Belmar and Cardinal and will serve to ensure a positive appearance for and good screening and buffering of the activities of this facility; because lighting will be directed down and away

PLANNING COMMISSION MINUTES

JULY 5, 2007

CASE NO. 9-60-06VW

from adjoining properties; because traffic will be handled efficiently as cars use the access point on Cardinal Drive and move into the organized parking area, customer office entrance and managed bay entrance; because Belmar Drive is more than adequate to manage the traffic for this long-established business; because quality building materials and colors will be utilized in the new building; because the building is compatible in scale and design with the mix of uses in this area and with the requirements of the Land Development Code; because sidewalks will be provided along Belmar and Cardinal to accommodate pedestrian and bicycle traffic and for good connectivity with the community; and because accessibility will be provided for those with handicaps in accordance with the requirements of federal, state and local regulations; and

WHEREAS, the Commission further finds that the application complies with the overall intent of Guidelines 4 and 5 of the Cornerstone 2020 Comprehensive Plan for all the reasons described above and because open space in this proposal is provided in buffer areas along property perimeters, and the proposed construction will improve and renew the overall appearance of the area by providing new materials and design in place of the existing building; because no portion of the site has been officially designated as a natural, scenic or historic resource; and because tree canopy calculations are provided on the plan; and

WHEREAS, the Commission further finds that the application complies with the overall intent and specifically with Policies 1, 2 and 3 of Guideline 6 of the Cornerstone 2020 Comprehensive Plan for all the reasons listed above and because this proposal will re-utilize an older property to create an attractive facility at this corner location; because the facility will provide collision repair services to area residents, will modernize and improve the appearance of this commercial area, and will otherwise support the health and vitality of the local economy; because the site has easy access from Cardinal Avenue and is centrally located for short commute trips for both customers and employees with good access to many other employment and commercial centers in this area via its proximity to the Watterson Expressway and I-65; and because this proposal also makes appropriate re-use of available land and will reduce public costs for land development by utilizing existing connections to infrastructure for water, sewer, electric and phone services; and

WHEREAS, the Commission further finds that the application complies with the overall intent of Guidelines 7, 8 and 9 of the Cornerstone 2020 Comprehensive Plan for all the reasons described above and because the applicant will utilize an existing shared access point from Cardinal Drive at the northeast corner of the site and will have only an exit on Belmar Drive; because the proposed facility will augment the existing business, the traffic to the site is not expected to increase

PLANNING COMMISSION MINUTES

JULY 5, 2007

CASE NO. 9-60-06VW

over what currently exists in the area; because, if customer traffic does increase, the access design is adequate to easily and safely manage and direct traffic to and from the facility; because alternative modes of transportation (walking, cycling, and mass transit) are supported and encouraged by provision of sidewalks from the parking area to the main customer office entrance; because handicap parking is shown on the plan and will be provided in accordance with the law; because, overall, the central location of this property and easy access from Preston Highway and Poplar Level Road ensures short trips to access the facility; and because this will mitigate traffic congestion, longer trips and related air quality concerns; and

WHEREAS, the Commission further finds that the application complies with the overall intent of Guidelines 10, 11 and 12 of the Cornerstone 2020 Comprehensive Plan for all the reasons described above and because no portion of the site lies within the 100 year flood zone and post development drainage and all other stormwater facilities will be in accordance with MSD requirements; because water will be provided by connection to existing public water supply, thus ensuring water quality at the subject property; because air quality will remain at good levels because, as noted above, the access design will direct and control traffic and thus will prevent traffic congestion or delays associated with air quality concerns; and because an erosion prevention and sediment control plan will be utilized during construction; and

WHEREAS, the Commission further finds that the application complies with the overall intent and Policies of Guideline 13 for all the reasons described above and because the proposed facility will provide and professionally maintain landscaping and grass areas around the property perimeter, around the building, and along street frontage; and

WHEREAS, the Commission further finds that the application complies with the overall intent and Policies of Guideline 14 for all the reasons described above and because water, sewer, electric and phone connections already exist at the property and will be utilized by the applicant, for a reduced public cost for infrastructure; and

WHEREAS, The Commission finds that the proposal has received preliminary approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Department of Public Works, and the Metropolitan Sewer District; and

WHEREAS, The Commission finds the proposal to be in conformance with all other applicable guidelines of the Comprehensive Plan; now, therefore, be it

PLANNING COMMISSION MINUTES

JULY 5, 2007

CASE NO. 9-60-06VW

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the legislative council of the Louisville/Jefferson County Metro Government that the change in zoning **from R-1 Single Family Residential to C-2 Commercial** on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Ernst, Carlson, Storm, Wells-Hatfield, Abstain, Hamilton, Queenan, and Blake.

NO: Commissioner Howard.

NOT PRESENT: Commissioner Fleischaker.

ABSTAINING: No one.

Variance

On a motion by Commissioner Queenan, the following resolution was adopted:

WHEREAS, the Commission further finds that the applicant has requested a variance to permit reduction of required 10 foot building setback along Belmar Drive to five feet; and

WHEREAS the Commission further finds that granting of the variance will not adversely affect the public health, safety or welfare because it will allow for the building to be located on the street as many buildings are in this stretch of Belmar Drive; that, but for the Land Development Code's requirement to dedicate right-of-way along Belmar Drive, it is unlikely that this variance would be necessary; and that the community will benefit more by the provision of the right-of-way should Belmar Drive ever be expanded than by the provision of an additional 5 feet of building setback; and

WHEREAS the Commission further finds that granting of the variance will not alter the essential character of the general vicinity for all the reasons described herein and because the proposed building is designed to match the development pattern in the immediate area along Belmar Drive; and that several properties in this area were developed many years ago when development occurred right up on the street face; and

WHEREAS the Commission further finds that granting of the variance will not cause a hazard or a nuisance to the public for all the reasons described herein

PLANNING COMMISSION MINUTES

JULY 5, 2007

CASE NO. 9-60-06VW

and because the building will be an attractive addition and opportunity for reinvestment into this aging mixed-use neighborhood; and that the proposal will allow an existing neighborhood business to expand, separating out its least intense uses for the proposed building; and

WHEREAS the Commission further finds that granting of the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations for all the reasons described herein and because the proposed development has been carefully planned after consulting with neighbors, relevant agencies and after taking into consideration not only the Land Development Code requirements, but the existing mix of uses and site designs along Belmar Drive; and

WHEREAS the Commission further finds that the variance arises from special circumstances, which do not generally apply to land in the general vicinity because for all the reasons described herein and because the proposed building sits on a relatively small, oddly shaped isolated parcel; that the parcel has ceased to be useful as a residence, and the proposed use has been carefully designed to allow an existing neighborhood business to expand, placing its least intense uses within the proposed building; and

WHEREAS the Commission further finds that this small infill property, while surrounded by commercial uses, has been designed carefully to be of as low an intensity as possible; and that the property has limited space for parking and would remain unused if not for the proposed development as its usefulness as a residential property has ceased; and

WHEREAS the Commission further finds that strict application would deprive the applicant of reasonable use of the land because it would prevent the proposed building from being located on the property at all; and the removal of 350 square feet from the building would have a damaging affect on the business, but would produce no discernable benefit to the public; and

WHEREAS the Commission further finds that the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought, for all the reasons described herein and because, as stated above, the applicant has worked with neighbors and designed the site to be an attractive addition to this older mixed-use neighborhood; and that the Land Development Code's requirements for right-of-way dedication necessitate this variance; now therefore be it

PLANNING COMMISSION MINUTES

JULY 5, 2007

CASE NO. 9-60-06VW

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the variances to permit reduction of required 10 foot building setback along Belmar Drive to five feet, in Docket No. 9-60-06VW.

The vote was as follows:

YES: Commissioners Ernst, Carlson, Storm, Wells-Hatfield, Abstain, Hamilton, Queenan, and Blake.

NO: Commissioner Howard.

NOT PRESENT: Commissioner Fleischaker.

ABSTAINING: No one.

Landscape Waivers

On a motion by Commissioner Queenan, the following resolution was adopted:

WHEREAS, the Commission further finds that the applicant has requested waivers to permit **1)** reduction of 25 LBA along north property line adjacent to R-1 zone to 5 feet, and to permit **2)** reduction of 5 foot LBA along Cardinal Drive to a variable width no less than 1.2 feet; and

WHEREAS the Commission further finds that neither of the waivers will adversely affect adjacent property owners because the waiver request along the Audubon Country Club golf course has already been mitigated by the Country Club by the construction of an 8 foot tall privacy fence, which totally obscures any landscape buffer area adjacent to the course; that, with regard to the 5-foot LBA along Cardinal Drive, this area, like many areas in the City of Louisville, contains buildings constructed to the right-of-way line or very near to the right-of-way line; that, the applicant is required to provide a sidewalk on its property adjacent to Cardinal Drive eliminating space that could be used for landscape buffer area; and that sidewalks in this case, especially considering the development pattern in the area, are more important than the additional landscape buffer; that the applicant is also providing a wall along Cardinal Drive; and

WHEREAS the Commission further finds that the waivers will not violate the Comprehensive Plan for the reasons described herein and because they will allow for the proposed building to be built as proposed, and it will allow for limited employee parking along Cardinal Drive; and that, because this is an isolated site (there are no other properties northeast of the subject property along Cardinal),

PLANNING COMMISSION MINUTES

JULY 5, 2007

CASE NO. 9-60-06VW

the requested waiver along Cardinal Drive should not affect the development pattern along Cardinal Drive; and

WHEREAS the Commission further finds that the extent of the waiver of the regulations is the minimum necessary to afford relief to the applicant for the reasons described herein and because both waivers will allow for adequate on-site parking, as nearby property owners explained during the second of two neighborhood meetings that on-street parking in the area is a problem; and that, therefore, the applicant is attempting to accommodate as many parking spaces as possible on the site; and

WHEREAS the Commission further finds that, as stated above, the applicant is also attempting to provide adequate sidewalks, which must be provided on its property as opposed to within the public right-of-way; and

WHEREAS the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant for the reasons described herein and because the applicant would not be able to use this site in the manner proposed; that the applicant's use is a relatively low intensity addition to an existing automotive repair business; that the applicant has designed the use so that the least intense facets of its business will be carried out in the proposed building, and all of the business will be conducted inside the building; and that, additionally, the applicant's use is of such an intensity that it is one of the few commercial uses that could even locate on this property, which is surrounded by other commercially-zoned and used properties; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the waivers to permit the reduction of 25 LBA along north property line adjacent to R-1 zone to 5 feet, and to permit the reduction of 5 foot LBA along Cardinal Drive to a variable width no less than 1.2 feet, in Docket No. 9-60-06VW.

The vote was as follows:

YES: Commissioners Ernst, Carlson, Storm, Wells-Hatfield, Abstain, Hamilton, Queenan, and Blake.

NO: Commissioner Howard.

NOT PRESENT: Commissioner Fleischaker.

ABSTAINING: No one.

PLANNING COMMISSION MINUTES

JULY 5, 2007

CASE NO. 9-60-06VW

Development Plan

On a motion by Commissioner Wells-Hatfield, the following resolution was adopted:

RESOLVED, That the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan for Docket No. 9-60-06VW, subject to the following binding elements; **AND** based on the renderings presented at today's hearing, the addition of the low wall between the parking lot and the property lines, the enhanced landscaping along the wall along Cardinal Drive, the addition of binding elements #5 and #6 and all the binding elements in the staff report, the elimination of the sidewalks along Cardinal Drive in lieu of more enhanced landscaping per the discussion by the applicant's representative at this public hearing, and the irrigation of the landscaping.

RESOLVED, That the Louisville Metro Planning Commission does hereby **APPROVE** the district development plan **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan and binding elements unless amended pursuant to the Land Development Code. Modifications to the binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any modifications not so referred shall not be valid.
2. The square footage of the development shall not exceed 4,200 square feet.
3. Signs shall be in accordance with Chapter 8 of the LDC.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. The hours of operation shall be 7:30 AM to 5:30 PM Monday through Saturday. No car waiting repair shall be parked overnight on this site. No auto body painting shall be permitted without prior review and approval of the Planning Commission.
6. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree

PLANNING COMMISSION MINUTES

JULY 5, 2007

CASE NO. 9-60-06VW

canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

7. Prior to issuance of a permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit):
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer shall obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
8. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
9. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 7, 2007 Planning Commission meeting.
11. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained there after. No building permits

PLANNING COMMISSION MINUTES

JULY 5, 2007

CASE NO. 9-60-06VW

shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

12. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

The vote was as follows:

YES: Commissioners Ernst, Carlson, Storm, Wells-Hatfield, Abstain, Hamilton, Queenan, and Blake.

NO: Commissioner Howard.

NOT PRESENT: Commissioner Fleischaker.

ABSTAINING: No one.